

REMARKS/ARGUMENTS

In the Office Action mailed December 24, 2009, claims 11-17 have been withdrawn from consideration and claims 1-4, 6-10 and 18-31 stand rejected by the Examiner. As indicated by the Listing of Claims, independent claims 1, 18, 20 and 25 have been amended. Claims 2-4 and 6-10 are original. Claims 19, 21-24 and 26-31 were previously presented. Claims 32 and 33 are new and have been submitted for consideration. Claim 5 is cancelled, and claims 11-17 are withdrawn. Support for the aforementioned amendments can be found in the specification as originally filed. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 USC § 112

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

Without conceding the propriety of the rejection, Applicant submits that the amendments to claim 1, supported e.g., by the disclosure of Fig. 7-10 in conjunction with page 11, line 34 to page 13, line 3 and page 10, lines 13-22 of the specification as filed January 18, 2006 ("Supplementary Preliminary Amendment"), overcome this rejection.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

CLAIM REJECTIONS – 35 USC § 102

Claims 18-25 and 27-31 are rejected under 35 U.S.C. § 102(b), as being anticipated by Helmner (US Patent 5,170,968 A). Applicants respectfully traverse this rejection.

Claim 18 has been amended to recite, *inter alia*, to recite that each of the floor modules comprises a substantially planar upper surface that extends from a location proximate to a first longitudinal beam [on which a first end of the floor module rests] to a location proximate to a second longitudinal beam [on which a second, opposite end of the floor module rests].

In the Office Action, the Examiner has equated support rails 153 of Helmner (see Fig. 21) with the first and second longitudinal beams recited in claim 18. As exemplified by Fig. 20 of Helmner, the slide plate 143 that rests on support rails 153 does not comprise a substantially planar upper surface that extends from a location proximate to a first of the support rails 153 to a location proximate to a second of the support rails 153. To the contrary, the upper surface of slide plate 143 lands across the cargo bay in a curved configuration.

While the supports 146 shown in Fig. 20 of Helmner may at first appear to support two ends of portion of a floor module having a substantially planar surface, supports 146, to the contrary, only contact slide plate 143 in the case of excessive deformation thereof, e.g. during unusual flight situations (cf. col. 16, lines 6-12). In such circumstances, the slide plate 143 would not exhibit a substantially planar surface in the region between supports 146.

Turning to independent claims 20 and 25, claim 20 has been amended to recite, *inter alia*, that the transverse support element [whose first and second, opposite end are each mounted to the fuselage] spans, from said first end to said second end, directly across an interior width of said fuselage in a direction substantially perpendicular to a longitudinal direction of said aircraft. As discussed in connection with claim 18 *supra*, the slide plate 143 of Helmner does not span, from one end to another, directly across the width of the fuselage. Instead, the slide plate 143 hangs across the cargo bay in a curved configuration.

Similarly, claim 25 has been amended to recite, *inter alia*, a cargo deck comprising at least one floor module having a substantially planar, cargo-bearing surface that extends from a first end of said floor module to a second, opposite end of said floor module, said first and second end resting on a respective longitudinal beam that is mounted to the fuselage of the aircraft.

Again, Helmner fails to teach a substantially planar surface that extends from a first end [that rests on a longitudinal beam mounted to the fuselage] to a second, opposite end [that rests on another longitudinal beam mounted to the fuselage]. Instead, the slide plate 143 hangs across the cargo bay in a curved configuration.

Accordingly, in light of the aforementioned comment, withdrawal of this rejection to claims 18-25, 27-31 is respectfully requested.

CLAIM REJECTIONS – 35 USC § 103

Claims 1-4, 6-10, and 26 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Helmner (US Patent 5,170,968 A) in view of Fenner et al. (US Patent 4,780,043 A). Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite, *inter alia*, that transverse beams of the floor modules extend across a width of the aircraft and have ends that rest upon an upper surface of longitudinal profiles attached to the outer skin of the aircraft. Amended claim 1 moreover recites that a peripheral profile [of the plurality of profile elements on an upper surface of the floor modules that provide a mount for transport rollers/latches] is connected to the outer skin of the aircraft by means of an intermediate element such that forces in the longitudinal direction of the aircraft are transferred to the outer skin, whereas forces perpendicular thereto are only very slightly transferred to the outer skin.

The Examiner has equated the slide plate 143 of Helmner with the floor module recited in claim 1. As is taught in col. 15, lines 31-32, slide plate 143 bridges the floor 14 of an aircraft fuselage 1. As is readily visible from Fig. 21 of Helmner, slide plate 143 is fixedly connected to floor 14 by means of support rail 153 and a retaining bolt 149.

Having regard for the above disclosure of Helmner, it is not apparent how Helmner can be interpreted as teaching or suggesting the aforementioned feature of claim 1 wherein a peripheral profile of a floor module is connected to the outer skin of an aircraft via intermediate elements such that longitudinal forces are transferred and forces perpendicular thereto are only very slightly transferred.

Helmner likewise fails to teach or suggest the feature of claim 1 wherein each of the floor modules comprises a plurality of profile elements that extend in a longitudinal

direction of said aircraft along a respective upper surface of at least one of said floor modules, said profile elements providing a mount for at least one element selected from the group comprising transport rollers and latches. To the contrary, the slide plate 143 has a smooth upper surface devoid of any additional elements as shown in Figs. 20 and 21. As reflected by the term "slide plate" itself, this smooth upper surface allows for a belt 10 or a conveying surface 18 to slide therealong to transport goods.

As is readily visible from Fig. 4 of Bergholz, Bergholz fails to teach at least the feature of claim 1 wherein each of the floor modules comprises a plurality of transverse beams that extend across a width of an aircraft, each end of the transverse beams resting on an upper surface of a respective longitudinal profile attached to the outer skin of the aircraft. Rather than resting on a longitudinal profile, the ends of transverse floor plate 12 are connected to braces 19 to transfer forces only in a cross direction (cf. col.5, lines 22-23).

Fenner *et al.* does not bridge the gap between the teachings of Helmner / Bergholz and the subject matter claim 1 and Applicant respectfully submits that the subject matter claim 1 is not only novel, but also non-obvious over the prior art of record.

Turning now to claim 26, the Examiner has not documented a teaching or suggestion in the cited prior art of a transverse beam having at least one supporting foot configured and adapted to be fastened to a fuselage of an aircraft proximate to a bottom region of the aircraft as recited in claim 26. For the reasons discussed above in connection with claim 18 *supra*, supports 146 of Helmner cannot be considered equivalent to the supporting foot recited in claim 26. Indeed, noting that Helmner

explicitly teaches the provision of a gap 144 between the slide plate 143 and the floor 14 across the entire width of the aircraft fuselage (cf. col. 15, lines 32-35), it is not apparent what teaching of Helmner whatsoever could be considered as teaching or suggesting an element equivalent to the supporting foot recited in claim 26. Nor is it apparent how a teaching in another prior art document could motivate the person skilled in the art to modify the teachings of Helmner to include such a supporting foot without compromising the aforementioned, requisite provision of a gap 144 between the slide plate 143 and the floor 14.

In light of the above, Applicant respectfully submits that the subject matter of claim 26 is not only novel, but also non-obvious over the prior art of record.

CONCLUSION

Entry of the Amendment after Final Rejection is requested. The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised.


Any additional fee believed necessary for the consideration of this response and to prevent abandonment of this application is hereby authorized to be charged to deposit account no. 50-2036.

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1714 in an effort to resolve any matter still outstanding before

issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

Respectfully submitted,

BAKER & HOSTETLER LLP



Stephen S. Fabry
Reg. No. 51,661

Date: March 24, 2010
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783